

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

| | | |
|---|---|-----------------------|
| LEAGUE OF CONSERVATION VOTERS <i>et al.</i> , |) | |
| |) | |
| <i>Plaintiffs</i> , |) | |
| |) | |
| v. |) | No. 3:17-cv-00101-SLG |
| |) | |
| DONALD J. TRUMP, <i>et al.</i> , |) | |
| |) | |
| <i>Defendants</i> , |) | |
| |) | |
| AMERICAN PETROLEUM INSTITUTE, |) | |
| |) | |
| <i>Intervenor-Defendant.</i> |) | |

**JOINT RESPONSE TO ORDER REGARDING INITIAL CASE SCHEDULING &
PLANNING CONFERENCE REPORT, DKT. 24**

Plaintiffs, Federal Defendants, and Intervenor-Defendant hereby jointly respond to the Court's order regarding the scheduling and planning of this case. Counsel for the parties corresponded via email on Thursday, August 10, 2017. The parties have agreed to the following case management proposal:

The parties propose to resolve the merits of this case through summary judgment briefing, unless the Court grants the pending motions to dismiss Plaintiffs' claims, Dkts. 12 & 25, in their entirety.

They do not contemplate undertaking the disclosures addressed in item II of the conference report, Dkt. 24-1, engaging in discovery (item III), requiring the other provisions (item V), or requiring trial (item VI). Other than as described below, the parties do not anticipate filing any additional pre-trial motions (item IV).

The Parties propose the following case management plan:

JOINT SCHEDULE PROPOSAL

League of Conservation Voters et al. v. Trump et al.,

No. 3:17-cv-00101-SLG

Motions to amend the pleadings: If any, motions to amend the pleadings shall be filed within 30 days of the Court's adjudication of the pending motions to dismiss.

Summary judgment motions: Plaintiffs shall file a motion for summary judgment; Federal- and Intervenor-Defendants shall file responses, which shall be deemed cross-motions for summary judgment; Plaintiffs shall file a reply. Within 45 days of the Court's adjudication of the pending motions to dismiss or any motion to amend the pleadings, whichever is later, the parties shall propose a schedule for summary judgment briefing.

Respectfully submitted this 18th day of August, 2017.

s/ Erik Grafe

Erik Grafe (Alaska Bar No. 0804010)

EARTHJUSTICE

441 W. 5th Avenue, Suite 301

Anchorage, AK 99501

T: 907.792.7102 / F: 907.277.1390

E: egrafe@earthjustice.org

Eric P. Jorgensen (Alaska Bar No. 8904010)

EARTHJUSTICE

325 Fourth Street

Juneau, AK 99801

T: 907.586.2751 / F: 907.463.5891

E: ejorgensen@earthjustice.org

Nathaniel S.W. Lawrence (Wash. Bar No. 30847) (*admitted pro hac vice*)

NATURAL RESOURCES DEFENSE COUNCIL

3723 Holiday Drive, SE

Olympia, WA 98501

T: 360.534.9900

E: nlawrence@nrdc.org

Nancy S. Marks (N.Y. Bar No. 2121820) (admitted pro hac vice)
NATURAL RESOURCES DEFENSE COUNCIL
40 West 20th Street
11th Floor
New York, NY 10011
T: 212.727.2700 / F: 415.795.4799
E: nmarks@nrdc.org

Attorneys for Plaintiffs League of Conservation Voters; Natural Resources Defense Council; Sierra Club; Alaska Wilderness League; Defenders of Wildlife; Northern Alaska Environmental Center; Resisting Environmental Destruction on Indigenous Lands; Center for Biological Diversity; Greenpeace, Inc.; and The Wilderness Society

JEFFREY H. WOOD
Acting Assistant Attorney General
Environment & Natural Resources Division

s/ Sarah D. Himmelhoch (consent)

SARAH D. HIMMELHOCH
MD Bar. No. 199212160064
Senior Litigation Counsel for E-Discovery
U.S. Department of Justice
Environment & Natural Resources Division
601 D Street NW
Washington, DC 20004
Telephone: (202) 514-0180
Facsimile: (202) 514-0057
sarah.himmelhoch@usdoj.gov

Attorneys for Federal Defendants

s/ Bradley K. Ervin (consent)

Steven J. Rosenbaum (*Pro hac vice*)
Bradley K. Ervin (*Pro hac vice*)
COVINGTON & BURLING LLP
One CityCenter
850 Tenth St. N.W.
Washington, D.C. 20001
Tel: (202) 662-5568
Fax: (202) 778-5568
rosenbaum@cov.com
bervin@cov.com

JOINT SCHEDULE PROPOSAL

League of Conservation Voters et al. v. Trump et al.,

No. 3:17-cv-00101-SLG

3

James D. Linxwiler (Alaska Bar No. 7705185)
Christina A. Rankin (Alaska Bar No. 0306034)
Guess & Rudd P.C.
1029 W. 3rd Ave. #400
Anchorage, AK 99501
Tel: (907) 793-2200
Fax: (907) 793-2299
jlinxwiler@guessrudd.com
crankin@guessrudd.com

Attorneys for Intervenor-Defendant American Petroleum Institute

JOINT SCHEDULE PROPOSAL

League of Conservation Voters et al. v. Trump et al.,

No. 3:17-cv-00101-SLG

4

Case 3:17-cv-00101-SLG Document 27 Filed 08/18/17 Page 4 of 5

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2017, a copy of foregoing JOINT RESPONSE TO ORDER REGARDING INITIAL CASE SCHEDULING & PLANNING CONFERENCE REPORT was served electronically on Sarah D. Himmelhoch, James D. Linxwiler, Christina A. Rankin, Bradley K. Ervin, and Steven J. Rosenbaum.

s/ Erik Grafe

Erik Grafe

EARTHJUSTICE